UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF OHIO

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BENNIE ADAMS,

CASE NO. 4:21-cv-00158

:

Petitioner,

:

VS. :

OPINION AND ORDER [Resolving

WARDEN LASHANN EPPINGER, :

Doc. 4]

:

Respondent.

:

## JAMES S. GWIN, UNITED STATES DISTRICT JUDGE:

On January 20, 2021, Plaintiff Bennie Adams filed a petition for Writ of Habeas Corpus. Adams filed an *in forma pauperis* application.<sup>4</sup> The Court referred the matter to Magistrate Judge Jonathan D. Greenberg.

On January 27, 2021, Magistrate Judge Greenberg issued a Report and Recommendation ("R&R") finding that Adams could pay the necessary case filing fees, making *in forma pauperis* relief inappropriate.<sup>5</sup> Objections to the R&R were due by February 10, 2021. Plaintiff Adams filed no objections.

The Federal Magistrates Act requires a district court to conduct a *de novo* review only of those portions of an R&R to which the parties have made an objection.<sup>5</sup> Failure to timely

<sup>&</sup>lt;sup>1</sup> Doc. 1. <sup>2</sup>

Doc. 4.

Doc. 5.

<sup>&</sup>lt;sup>4</sup> *Id.* 

<sup>&</sup>lt;sup>5</sup> 28 U.S.C. § 636(b)(1).

Case: 4:21-cv-00158-JG Doc #: 12 Filed: 09/08/21 2 of 2. PageID #: 5991

Case No. 4:21-cv-00158

Gwin, J.

object waives a party's right to appeal the magistrate's report. Where a party does not object to the R&R, a district court may adopt it without review.

Further, this Court has examined Plaintiff Adams' in forma pauperis application and believes it should be denied.

Accordingly, in light of Plaintiff Adams's decision not to object to the R&R in this case and his application's lack of merit, the Court **ADOPTS** Magistrate Judge Greenberg's R&R, incorporates it as if fully restated herein, and **DENIES** Plaintiff Adams' in forma pauperis application.

IT IS SO ORDERED.

Dated: September 8, 2021

s/ James S. Gwin

JAMES S. GWIN

UNITED STATES DISTRICT JUDGE

<sup>&</sup>lt;sup>6</sup> Thomas v. Arn, 474 U.S. 140, 154 (1985); Gerth v. Warden, Allen Oakwood Corr. Inst., 938 F.3d 821, 827 (6th Cir. 2019).

<sup>&</sup>lt;sup>7</sup> See Thomas, 474 U.S. at 149–50.

<sup>&</sup>lt;sup>8</sup> 28 U.S.C. § 1915(a)(1).